

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA ROSENTHAL,

Defendant.

Case No: CR 12-0756 SBA

**ORDER ACCEPTING
AMENDED REPORT AND
RECOMMENDATION
REGARDING GUILTY PLEA**

Docket 46


On January 10, 2013, the Court referred this matter to Magistrate Judge Westmore ("the magistrate") for a report and recommendation on the acceptance of Defendant's guilty plea. Dkt. 22. On January 23, 2013, the Defendant appeared before the magistrate and, with the assistance of counsel, waived his right to enter a guilty plea before a district judge and instead consented to enter his plea in a hearing before the magistrate. See Dkt. 46. The magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea agreement to Count One of the Information charging Defendant with conspiracy to manufacture, to possess with intent to distribute, and to distribute marijuana in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A)(vii). Id. The magistrate found that Defendant was fully competent and capable of entering an informed plea, that he was aware of the nature of the charges and the consequences of the guilty plea, and that the guilty plea was knowing and voluntary and supported by an independent factual basis. Id.

1 On January 25, 2013, the magistrate issued a Report and Recommendation
2 Regarding Guilty Plea. Dkt. 33. On May 13, 2013, the magistrate issued an Amended
3 Report and Recommendation Regarding Guilty Plea in which she recommends that this
4 Court accept Defendant's guilty plea. Dkt. 46. The Amended Report and Recommendation
5 advises the parties that they may serve and file specific written objections to the order
6 within fourteen days after being served with a copy of the order. Id. No written objections
7 to the Amended Report and Recommendation were filed prior to the hearing. At the July 2,
8 2013 sentencing hearing in this matter, the parties indicated that they have no objections to
9 the Amended Report and Recommendation. Accordingly,

10 IT IS HEREBY ORDERED THAT the magistrate's Amended Report and
11 Recommendation (Dkt. 46) is ACCEPTED, the Defendant's guilty plea is accepted, and the
12 magistrate's Amended Report and Recommendation shall become the order of this Court.

13 IT IS SO ORDERED.

14 Dated: 7/2/13

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16 SAUNDRA BROWN ARMSTRONG
17 United States District Judge
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